

REMARKS

In light of the remarks to follow, reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1-17 are pending in this application.

Claims 1-17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lam (US Patent No. 5,564,037) in view of Kamiyama (US Patent No. 5,893,139). The rejection is traversed for the following reasons.

Independent claim 1 has "... a reading means for reading the stored data from the opened file and storing it in a predetermined region on the **memory of the data processor.**" (Underlining and bold added for emphasis.)

In explaining his rejection, the Examiner asserts that Lam discloses the above recited feature of claim 1. More specifically, the Examiner relies on col. 8, lines 61-64 of Lam to disclose such feature. Such portion of Lam as relied upon by the Examiner (hereinafter "Lam") discloses migrating a file from the secondary storage device to a tertiary storage device. Lam does not appear to disclose the tertiary storage device being a predetermined region on the memory of a data processor. In fact, such tertiary storage device (element 30 of Fig. 1) appears to be a tape storage device. (See col. 5, line 4 of Lam.) The Examiner appears to have not relied on Kamiyama to overcome the above-described deficiency of Lam.

Therefore, for the reasons stated above, independent claim 1 is distinguishable from the applied combination of Lam and Kamiyama. Accordingly, withdrawal of the 103 rejection of independent claim 1 is respectfully requested.

For reasons similar to those described above with regard to independent claim 1, independent claim 13 is also distinguishable from the applied combination of Lam and

Kamiyama. Accordingly, withdrawal of the 103 rejection of independent claim 13 is respectfully requested.

Claims 2-12 and 14-17 depend from independent claims 1 and 13 respectively, and, due to such dependency, are also distinguishable from the applied combination of Lam and Kamiyama for at least the reasons previously described. Therefore, withdrawal of the 103 rejection of claims 2-12 and 14-17 is respectfully requested.

The Examiner has made of record, but not applied, several U.S. patents. The Applicant appreciates the Examiner's explicit finding that these references, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

It is to be appreciated that the foregoing comments concerning the disclosures in the cited prior art represent the present opinions of the Applicant's undersigned attorney and, in the event, that the Examiner disagrees with any such opinions, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

In view of the foregoing remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

Respectfully submitted,
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